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E.O. 12065: N/A
TAGS: PINT, KS, US
SUBJECT: KIM DAE JUNG TRIAL - PRESS GUIDANCE
1. AT THE NOON BRIEFING TODAY THE SPOKESMAN, WHEN ASKED FOR OUR REACTION TO THE APPEALS COURT DECISION REPLIED, "WE DON'T HAVE ANY COMMENT ON THAT. WE CONTINUE TO STATE AND FEEL THE SAME THINGS AND ADOPT THE SAME POSITION THAT WE HAVE STATED IN THE PAST."
2. THE FOLLOWING Q'S AND A'S WERE PREPARED, BUT NOT YET USED:
Q. DO YOU HAVE ANY COMMENT ON THE MILITARY COURT OF APPEALS CONFIRMATION OF THE VERDICT AND SENTENCE IN KIM'S CASE?
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A. NOTHING WHICH TRANSPIRED DURING THE APPELLATE COURT MARTIAL HAS ALTERED OUR DEEP AND FUNDAMENTAL CONCERN ABOUT THE CASE OR ABOUT THE VERDICTS AND SENTENCES (INCLUDING KIM'S DEATH SENTENCE) WHICH HAVE BEEN UPHELD AT THIS STAGE. THE KOREAN GOVERNMENT IS FULLY AWARE OF OUR VIEWS. I WILL NOT HAVE ANY FURTHER COMMENT AT THIS TIME.
Q. DID THE U.S. GOVERNMENT HAVE AN OBSERVER AT THE APPELLATE COURT MARTIAL?
A. YES. WE HAD A DIPLOMATIC OBSERVER AT EACH SESSION OF THE APPELLATE COURT MARTIAL BOTH TO ENSURE TIMELY AND FULL REPORTING ON THE CASE AND TO SYMBOLIZE OUR CONTINUING INTEREST AND CONCERN.
Q. WHAT HAPPENS NEXT?
A. THE VERDICT IS FIRST REVIEWED BY THE MARTIAL LAW COMMANDER (THE CHIEF OF STAFF OF THE ARMY). IF CONFIRMED, THE DEATH SENTENCE IS AUTOMATICALLY APPEALED TO THE SUPREME COURT. WE PRESUME OTHER VERDICTS ARE LIKELY ALSO TO BE APPEALED. THE SUPREME COURT DOES NOT HOLD PUBLIC SESSIONS, BUT REVIEWS THE HANDLING OF THE CASES BY THE LOWER COURTS AND ANY QUESTIONS OF CONSTITUTIONALITY. IF ANY DEATH SENTENCE SURVIVES SUPREME COURT REVIEW, THE
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DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY #1 DATE 2/8/82
RDS ☐ or XDS ☐ EXT. DATE ____ REASON(S) ____
TS AUTH. ____ ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED ☐ RELEASABLE ☒
RELEASE DENIED ☐
PA or FOI EXEMPTIONS ____

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CASE MUST GO TO THE PRESIDENT BEFORE SENTENCE IS CARRIED OUT. THE PRESIDENT ALSO HAS POWER OF COMMUTATION. WE ANTICIPATE THAT IT WILL BE A NUMBER OF WEEKS BEFORE THIS CASE IS FINALLY SETTLED.
MUSKIE
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